

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

RANDAL LAMAR RICHARDSON,)
)
Plaintiff,)
)
v.) CASE NO. CV423-001
)
JOHN E. MORSE, Superior Court)
Judge, in His Individual and)
Official Capacity; TIMOTHY)
WALMSLEY, Superior Court Judge,)
in His Individual and Official)
Capacity; SHALEENA COOK JONES,)
District Attorney, In Her)
Individual and Official)
Capacity; MARGARET H. DELEON,)
Asst. District Attorney, in Her)
Individual and Official)
Capacity; KATHERINE M. KELLY,)
Assistant Public Defender, in)
Her Individual and Official)
Capacity; and JAMES S. BYRNE,)
in His Individual and Official)
Capacity;
)
Defendants.)
)

O R D E R

Before the Court is the Magistrate Judge's March 21, 2023, Report and Recommendation (Doc. 26), to which Plaintiff Randal Lamar Richardson has filed an objection (Doc. 27). The Magistrate Judge discovered that Plaintiff is subject to 28 U.S.C. § 1915(g)'s "three-strikes" provision, which precludes him proceeding in forma pauperis unless he is in "imminent danger of serious physical injury." 28 U.S.C. § 1915(g); (see also Doc. 26 at 4-5). As the

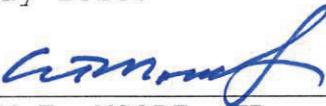
Magistrate Judge noted, Plaintiff's "allegations concerning procedural problems with his pending criminal prosecution" are not sufficient to qualify for the exception. (Doc. 26 at 6.) Accordingly, the Magistrate Judge recommended that Plaintiff's request to proceed in forma pauperis be denied and his case be dismissed without prejudice. (*Id.* (citing Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002))). Plaintiff's objection does not dispute that he is subject to the three-strikes provision or contend that he qualifies for the exception; it simply reasserts the merits of his underlying claims. (See generally Doc. 27.)

After a careful review of the record,¹ the Magistrate Judge correctly determined that Plaintiff accrued at least three § 1915(g) strikes before he filed the instant case and he does not allege that he is in imminent danger of serious physical injury. Accordingly, Plaintiff's objection is **OVERRULED** (Doc. 27), and the report and recommendation (Doc. 26) is **ADOPTED** as the Court's opinion in this case. Plaintiff's motion to proceed in forma

¹ The Court reviews de novo a magistrate judge's findings to which a party objects, and the Court reviews for clear error the portions of a report and recommendation to which a party does not object. 28 U.S.C. § 636(b)(1); see Merchant v. Nationwide Recovery Serv., Inc., 440 F. Supp. 3d 1369, 1371 (N.D. Ga. 2020) (citing Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006) (per curiam)) (outlining the standard of review for report and recommendations).

pauperis (Doc. 2) is **DENIED**, and his complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**. All other pending motions are **DISMISSED AS MOOT**. (Docs. 22, 24, 25.) The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 23rd day of May 2023.


WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA